

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

January 23, 2009

DIVISION TWO

Court convened at 9:00 a.m.

Present: Boren, P.J., Doi Todd, J., Ashmann-Gerst, J., Chavez, J. and Joyce Hatter,
Deputy Clerk.

Each of the following:

B195480 People v. Torres
B203884 People v. Hix
B206187 People v. Townsend
B208320 DCFS v. Elizabeth G.
B204595 People v. Aguilar
B208809 DCFS v. Manuel F.
B203830 People v. Martinez

Argument waived, cause submitted.

B203204 People
 v.
 Davidson

Merits:
Argued by Sheldon Levitin for appellant and by waived by respondent.
Cause submitted.

B200299 Calemene et al.
 v.
 Jared Court Homeowners Association, Inc.

Merits:
Argued by Stuart Esner for appellants and by Gabriele Lashley for
respondent. Cause submitted.

DIVISION TWO (continued)

B205029 Dynamic Nursing Services, Inc., et al.
v.
Knox

Merits:

Argued by Jeffrey Cohon for appellants and by Kenneth Yoon for respondent. Cause submitted.

B194461 Calemine et al.

V.

Jared Court Homeowners Association Inc., et al.

Merits:

Argued by Holly Boyer for appellants and by Josephine N. Baurac for respondents. Cause submitted.

Court adjourned.

DIVISION THREE

B198129 People (Not for Publication)

V.

Gonzalez, et al.

The judgments are affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION THREE (continued)

B188868 People (Certified for Publication)
v.
Byron, Jr.

The judgment is affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B199493 Montecito Condominium Homeowner's Assoc. (Not for Publication)
v.
Rahmanizad

The judgment is affirmed. Neither party shall receive costs on appeal.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B198888 Johnson (Not for Publication)
v.
United Cerebral Palsy/Spastic Children's Foundation of Los Angeles Etc.,

The summary judgment from which plaintiff has appealed is reversed and the cause is remanded for further proceedings in conformance with the views expressed herein. Costs on appeal to plaintiff.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

January 23, 2009 (Continued)

DIVISION THREE (continued)

B209011 Los Angeles County, D.C.F.S. (Not for Publication)
v.
B.B., et al.

The order from which Mother and Father have appealed is affirmed.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

B207752 Los Angeles County, D.C.F.S. (Not for Publication)
v.
P.E.

The judgment of the dependency court is affirmed.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION FOUR

B205652 People (Not for Publication)
v.
Landaverde

The order entered January 22, 2008, is affirmed.

Manella, J.

We concur: Epstein, P.J.
Willhite, J.

DIVISION FOUR (continued)

B198967 People (Not for Publication)
v.
Melendez

The judgment is reversed with directions. On remand, the trial court is directed to conduct an in camera inspection of the requested personnel records for relevance. If the trial court's inspection on remand reveals no relevant information, the trial court must reinstate the judgment of conviction. If the inspection reveals relevant information, the trial court must order disclosure, allow appellant an opportunity to demonstrate prejudice, and order a new trial if there is a reasonable probability the outcome would have been different if the information had been disclosed.

Epstein, P.J.

We concur: Willhite, J.
Suzukawa, J.

B206852 People (Not for Publication)
v.
Jones

The judgment is affirmed.

Suzukawa, J.

We concur: Epstein, P.J.
Manella, J.

DIVISION FOUR (continued)

B208958 M.R. (Not for Publication)

v.

Superior Court, Los Angeles County
(D.C.F.S., r.p.i.)

The petition for extraordinary writ is denied and the temporary stay is vacated.

Epstein, P.J.

We concur: Willhite, J.
Suzukawa, J.

DIVISION FIVE

B207457 People (Not for Publication)

v.

Francis Adarkwa

Appellant's sentence for his conviction for identify theft in case number SA062256 is corrected to eight months. The judgment is affirmed in all other respects. Pursuant to stipulation of parties, the remittitur in this case shall issue immediately. The trial court is directed to prepare an amended abstract of judgment and forward it forthwith to the Department of Rehabilitation and Corrections.

Armstrong, J.

We concur: Turner, P.J.
Kriegler, J.

DIVISION FIVE (continued)

B205392 People (Not for Publication)
v.
Donald Greer

The trial court's decision not to award presentence custody credit for the period was also in custody in the second case (No. SA060525) is affirmed. The trial court's award of 394 days of presentence custody credit for a portion of the period defendant was in custody after sentencing in the second case is reversed and the matter is remanded to the trial court with instructions to amend the abstract of judgment to reflect an award of 19 days presentence custody credit for the period defendant was remanded into custody in this case, ie, the March 6, 2005, day of his arrest in this case, plus the period from June 2, 2006, through June 13, 2006. No other presentence custody credits should be awarded.

Mosk, J.

We concur: Turner, P.J.
 Kriegler, J.

B204853 Pro Value Properties, Inc., (Certified for Publication)
v.
Quality Loan Service Corp.,

The judgment is modified to provide that interest accrued on the \$842,000 foreclosure sale proceeds at the rate of seven percent per annum from June 9, 2005 through October 5, 2005. As modified, the judgment is affirmed. QLS is to bear its costs on appeal.

Armstrong, J.

I concur: Turner, P.J.
I concur: Mosk, J. (opinion)

DIVISION SEVEN

B208142 Crab Addison, Inc.
 v.
 Superior Court, Los Angeles County
 (Martinez, r.p.i.)

Filed order denying petition for rehearing.